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10/722,186	11/26/2003	Shouta Kamasaki	1720.1006	7929

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EXAMINER

LEE, JINHEE J

ART UNIT	PAPER NUMBER
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2174

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/722,186	Applicant(s) KAMASAKI ET AL.	
	Examiner Jinhee J. Lee	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 10-12, 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>0805</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 10-12, 17-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in Paper Dated 1/29/07.

Priority

2. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Japan on 11/28/02.

Claim Objections

3. Claim 7 is objected to because of the following informalities:

Claim 7 line 3, change the phrase "keys, the first key or keys, which are" to "keys; the first key or keys, which are" in order to correct a grammatical error.

Appropriate correction is required.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-9 and 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "a plurality of keys" in line 2. Then the claim recites "one or plurality of first keys", "the first key or keys" and "second keys" in the same claim. This is confusing. Are the "one or plurality of first keys", "the first key or keys"

and "second keys" included in "a plurality of keys" of line 2 in a display part? Clarify.

This confusion is also in claims 2, 3, 5-9, 13-16.

Claim 1 recites the limitation "each screen" in line 3. Then the claim recites "first and second screens" in the same claim. This is confusing. Are the "first and second screens" included in "each screen" of line 3 in a display part? Clarify. This confusion is also in claims 2-9, 13-16.

Claims also show inconsistency causing confusion in reference to "one or a plurality of keys". At times, the claims refer to "the first key or keys" or "the first key" or "the second key". The reference to same limitation needs to be referred to in a consistent manner to avoid confusion. Clarify.

Claim 5 recites the limitation "the keys of the first keysare erased on the second screen" in lines 3-6. This is confusing and negates the limitation of claim 1. Claim 1 states that in the second screen "the first key or keys, which are similarly displayed on the first screen...with different colors". Claim 1 states that the first keys remain on screen and claim 5 states that the first keys are erased, this is a contradiction and needs to be corrected.

Claim 7 recites the limitation "the first key or keys....are displayed on the second screen with the same color or colors" in lines 3-5. This is confusing and negates the limitation of claim 1. Claim 1 states that "the first key or keys, which are similarly displayed on the first screen...with different colors". Claim 1 states that the first keys have different colors in the second screen and claim 7 states that the first keys have same colors, this is a contradiction and needs to be corrected.

Claim 9 recites the limitation "the second keys, which are displayed only on the second screen" in lines 2-3. This is confusing and negates the limitation of claim 1.

Claim 1 states that "one or plurality of first keys, which are displayed with the same colors as those of the sort keys corresponding to the sort keys, on the first screen".

Claim 1 states that the different color keys are on the first screen and claim 9 states that the second keys are only on the second screen, this is a contradiction and needs to be corrected.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-9 and 13-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Re claim 1-9 and 13-16, these claims claim a data structure, however, it appears the limitations of said claim are merely claiming statements defining various items, therefore said limitations do not appear to be defining any functional interrelations which permits the computer program's functionality (or data structure's functionality) to be realized.

In view of the above, claims 1-9 and 13-16 are therefore directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-9 and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Beck et al. (6707474).

Re claim 1, Beck et al. discloses a touch-panel keyboard comprising:

a display part that displays a plurality of keys on each screen (920 for example);

and

a display control part that sets first and second screens on the display part (910 for example), displaying a plurality of sort keys having different colors and one or plurality of first keys, which are displayed with the same colors as those of the sort keys corresponding to the sort keys, on the first screen, switching the first screen to the second screen by operating the sort keys, and displaying the first key or keys, which are similarly displayed on the first screen, while changing the color or colors of the first key or keys with different colors, and second keys displayed with the same colors as those of the sort keys corresponding to the sort keys, on the second screen (see figure 9A, and column 19 lines 34-37, column 20 lines 1-5 according to the numbering in the middle for example).

Re claim 2, Beck et al. discloses a touch-panel keyboard comprising: a display part that displays a plurality of keys on each screen and having detection means (touch

screen, see column 9 lines 13-15 for example) for detecting a position of any of the keys; and a display control part that sets first and second screens on the display part, displaying a plurality of sort keys having different colors and one or plurality of first keys, which are displayed with the same colors as those of the sort keys corresponding to the sort keys, on the first screen, switching the first screen to the second screen based on a detection output of the detection means by operating the sort keys, and displaying second keys, which are displayed with the same colors as those of the sort keys corresponding to the sort keys, on the second screen (see figure 9A, and column 19 lines 34-37, column 20 lines 1-5 according to the numbering in the middle for example).

Re claim 3, Beck et al. discloses a touch-panel keyboard comprising: a display part that displays a plurality of keys representing individual articles or a group of articles on each screen and having detection means for detecting a position of any of the keys; and a display control part that sets first and second screens on the display part, displaying a plurality of sort keys representing a group of articles having different colors, and one or plurality of first keys, which are provided for every one or plurality of articles sorted to the group of articles and have the same colors as those of the sort keys, on the first screen, switching the first screen to the second screen based on a detection output of the detection means by operating the sort keys, and displaying one or plurality of second keys representing articles and displayed corresponding to the sort keys on the second screen with the same colors as those of the sort keys (see figure 9A, and column 19 lines 34-37, column 20 lines 1-5 according to the numbering in the middle for example).

Re claim 4, Beck et al. discloses a touch-panel keyboard, further comprising a screen switching key (any of 910 for example) provided on the second screen that switches the second screen to the first screen (see figure 9a for example).

Re claim 5 (as best understood), Beck et al. discloses a touch-panel keyboard, wherein if the first screen is switched to the second screen, the keys of the first keys, which are displayed on the first screen but do not correspond to the sort key that switches the first screen to the second screen, are erased on the second screen (see figure 9b for example).

Re claim 6, Beck et al. discloses a touch-panel keyboard, wherein if the first screen is switched to the second screen, the first key or keys, which are similarly displayed on the first screen, are displayed on the second screen at position or positions common to that or those on the first screen (see figure 9A for example).

Re claim 7 (as best understood), Beck et al. discloses a touch-panel keyboard, wherein if the screens are switched by operating the sort keys, the first key or keys, which are similarly displayed on the first screen, are displayed on the second screen with the same color or colors as that or those of the first screen while changing the brightness, and the second keys, which are displayed only on the second screen corresponding to the sort keys, are displayed with the same colors as those of the sort keys (see figure 9A, and column 19 lines 34-37 and column 20 lines 1-5 for example).

Re claim 8, Beck et al. discloses a touch-panel keyboard, wherein key areas of the first key or keys having the same colors are set on the first or second screen, and

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the second keys having the same colors are disposed adjacent to the key areas of the first key or keys (see figure 9A for example).

Re claim 9 (as best understood), Beck et al. discloses a touch-panel keyboard, wherein the second keys, which are displayed only on the second screen corresponding to the sort keys, are displayed with the same colors as those of the sort keys while changing the brightness thereof (see figure 9A, and column 19 lines 34-37 and column 20 lines 1-5 for example).

Re claim 13, Beck et al. discloses a display method of a touch-panel keyboard for displaying a plurality of keys on each screen comprising: a step of setting first and second screens; a step of displaying a plurality of sort keys having different colors and one or plurality of first keys, which are displayed with the same colors as those of the sort keys corresponding to the sort keys, on the first screen; a step of switching the first screen to the second screen by operating the sort keys; and a step of displaying the first key or keys, which are similarly displayed on the first screen, while changing the color or colors of the first key or keys with different colors, and second keys displayed with the same colors as those of the sort keys corresponding to the sort keys, on the second screen (see figure 9A, and column 19 lines 34-37, column 20 lines 1-5 according to the numbering in the middle for example).

Re claim 14, Beck et al. discloses a display method of a touch-panel keyboard for displaying a plurality of keys representing individual articles or a group of articles on each screen comprising: a step of setting first and second screens; a step of displaying a plurality of sort keys representing a group of articles having different colors, and one

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or plurality of first keys, which are provided for every one or plurality of articles sorted to the group of articles and have the same colors as those of the sort keys, on the first screen; a step of switching the first screen to the second screen by operating the sort keys; and a step of displaying the first key or keys, which are similarly displayed on the first screen, while changing the color or colors of the first key or keys with different colors, and displaying second keys displayed corresponding to the sort keys with the same colors as those of the sort keys, on the second screen (see figure 9A, and column 19 lines 34-37, column 20 lines 1-5 according to the numbering in the middle for example).

Re claim 15, Beck et al. discloses a display program of a touch-panel keyboard that displays a plurality of keys on each screen comprising: a function of setting first and second screens; a function of displaying a plurality of sort keys having different colors and one or plurality of first keys, which are displayed with the same colors as those of the sort keys corresponding to the sort keys, on the first screen; a function of switching the first screen to the second screen by operating the sort keys; and a function of displaying the first key or keys, which are similarly displayed on the first screen, while changing the color or colors of the first key or keys with different colors, and second keys displayed with the same colors as those of the sort keys corresponding to the sort keys, on the second screen. wherein said functions are executed by an information processing unit (see figure 9A, and column 19 lines 34-37, column 20 lines 1-5, column 9, lines 34-39 according to the numbering in the middle for example).

Re claim 16, Beck et al. discloses a display program of a touch-panel keyboard that displays a plurality of keys representing individual articles or a group of articles on each screen comprising: a function of setting first and second screens; a function of displaying a plurality of sort keys representing a group of articles having different colors, and one or plurality of first keys, which are provided for every one or plurality of articles sorted to the group of articles and have the same colors as those of the sort keys, on the first screen; a function of switching the first screen to the second screen by operating the sort keys; and a function of displaying the first key or keys, which are similarly displayed on the first screen, while changing the color or colors of the first key or keys with different colors, and second keys displayed with the same colors as those of the sort keys corresponding to the sort keys, on the second screen. wherein said functions are executed by an information processing unit (see figure 9A, and column 19 lines 34-37, column 20 lines 1-5, column 9, lines 34-39 according to the numbering in the middle for example).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M- F at 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-2100 ext. 74. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jinhee J Lee
Primary Examiner
Art Unit 2174

A handwritten signature in black ink, appearing to read 'Jinhee J Lee', is written over the printed name and title.

jil